

**In the
Indiana Supreme Court**

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| IN THE MATTER OF |) | |
| |) | |
| THE APPOINTMENT OF A |) | |
| |) | Case No. 06S00-0606-MS-228 |
| JUDGE PRO TEMPORE IN |) | |
| |) | |
| BOONE CIRCUIT COURT |) | |

ORDER APPOINTING JUDGE PRO TEMPORE

The Hon. Steve David, Judge of the Boone Circuit Court, has advised this Court that he has been ordered to active military duty and, as a result, the appointment of a judge pro tempore is necessary for the Boone Circuit Court for the duration of Judge David's active military service. Judge David has further advised this Court that the Boone Circuit Court Commissioner, Sally E. Berish, is willing to serve as judge *Pro Tempore* and that Boone County is willing to continue her existing compensation during her service as judge *Pro Tempore*. Accordingly, we find that, in the interests of the continuing administration of justice and pursuant to Ind.Trial Rule 63(B), Commissioner Sally E. Berish should be appointed as Judge *Pro Tempore* of the Boone Circuit Court to discharge temporarily the duties of that office.

IT IS, THEREFORE, ORDERED that Sally E. Berish, an attorney admitted to practice law in this state, is appointed as Judge *Pro Tempore* in the Boone Circuit Court, effective June 26, 2006, until Judge David returns to the bench, or further order of this Court. This order shall be sufficient authority for Judge Berish to continue the employment of court personnel and otherwise discharge the duties of Judge of the Boone Circuit Court. Judge Berish shall not act as a Commissioner of the Boone Circuit Court during her service as judge *Pro Tempore* and shall

be entitled to compensation for this service, paid by Boone County, computed at the same rate as her compensation as a Commissioner of the Boone Circuit Court.

IT IS FURTHER ORDERED that for the duration of her appointment as a Judge *Pro Tempore*, Judge Berish shall not be eligible for local appointment as a special judge pursuant to Ind.Trial Rule 79(H) in any matter where the need for appointment of a special judge arises after the date of this order. We find the unique circumstances of this situation sufficient to justify Judge Berish's exclusion from the local special judge appointment rotation during her tenure as Supreme Court Judge *Pro Tempore*.

IT IS FURTHER ORDERED that all cases in which Judge David is currently serving as special judge may be heard by Judge Berish during her term of service as Supreme Court Judge *Pro Tempore*. Judge David shall resume jurisdiction of those matters as special judge upon his resumption to the bench.

The Clerk of this Court is directed to forward a certified copy of this Order to the Clerk of the Boone Circuit Court, who is directed to enter this Order into the Record of Judgments and Orders; to the Honorable Steve David, Boone Circuit Court, One Courthouse Square, Lebanon, IN 46052-2159; to the Honorable Sally E. Berish, Boone Circuit Court, One Courthouse Square, Lebanon, IN 46052-2159; to the Division of State Court Administration, payroll department; and to the Indiana Judicial Center.

DONE at Indianapolis, Indiana, this _____ day of June, 2006.

Randall T. Shepard
Chief Justice of Indiana